

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 91-70 As Amended

Introduced by Council President Wilson at the request of the County Executive
Legislative Day No. 91-35 Date November 19, 1991

AN ACT to add new Section ~~104~~ 267-104 Adequate Public
~~Facilities~~ Facilities, to Article XXI, Public Facilities,
Part 6, Growth Management of Chapter 267, ~~Zoning Code~~
Zoning, of the Harford County Code as ~~amended~~, amended;
to provide for adequacy standards, the steps necessary
to implement the same, and for the preparation of an
annual Growth Report.

By the Council, November 19, 1991

Introduced, read first time, ordered posted and public hearing scheduled
on: December 17, 1991

at: 6:00 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of
Bill having been published according to the Charter, a public hearing was
held on December 17, 1991, and concluded on, December 17, 1991

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING
LAW. [Brackets] indicate matter deleted
from existing law. Underlining indicates
language added to Bill by amendment.
Language lined through indicates matter
stricken out of Bill by amendment.

1 **WHEREAS,** Recent development trends in Harford County have
2 indicated a need to provide better coordination between planning
3 for land use and planning for major public facilities; and

4 **WHEREAS,** Citizens are concerned about the increased
5 utilization of public facilities which accompanies growth, and are
6 calling for maintaining the high level of service provided by our
7 schools, highways, libraries, parks, fire/rescue departments,
8 sheriff's office, and water/sewer systems; and

9 **WHEREAS,** These circumstances make it apparent that we need
10 both a more clearly articulated plan for providing necessary
11 facilities, and better legal mechanisms to effectively manage the
12 pace of growth, which will protect not only public health and
13 safety, but the quality of our living and working environment; and

14 **WHEREAS,** The Department of Planning and Zoning has worked with
15 the service-providing departments and agencies, the Planning
16 Advisory Board, and other representatives of the community to
17 develop adequacy standards; and

18 **WHEREAS,** The Department of Planning and Zoning has prepared
19 a proposed Adequate Public Facilities Program (dated May 30, 1991),
20 which documents adequacy standards and a series of implementation
21 steps to achieve and maintain those standards for Harford County;
22 and

23 **WHEREAS,** Harford County has adopted a Master Land Use Plan to
24 guide future development, and accordingly has adopted a Capital
25 Budget for Fiscal Year 1992 as part of a planned six-year capital
26 program.

NOW THEREFORE

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF HARFORD COUNTY, MARYLAND ~~THAT NEW SECTION 104, ADEQUATE PUBLIC FACILITIES BE ADDED~~ MARYLAND, THAT NEW SECTION 267-104, ADEQUATE PUBLIC FACILITIES, BE ADDED TO ARTICLE XXI, PUBLIC FACILITIES, OF PART 6, GROWTH MANAGEMENT OF CHAPTER 267, ~~ZONING CODE,~~ ZONING, OF THE HARFORD COUNTY CODE, AS AMENDED, ALL TO READ AS FOLLOWS:

CHAPTER 267. ~~ZONING CODE~~ ZONING.

PART 6. GROWTH MANAGEMENT.

ARTICLE XXI. PUBLIC FACILITIES.

SECTION 267-104. ADEQUATE PUBLIC FACILITIES.

A. ANNUAL GROWTH REPORT

1. THE DEPARTMENT OF PLANNING AND ZONING SHALL PREPARE AN ANNUAL GROWTH REPORT DESCRIBING GROWTH AND FACILITY CAPACITY IN ACCORDANCE WITH PARAGRAPHS 2 AND 3 ~~BELOW~~ OF THIS SUBSECTION. THE ANNUAL GROWTH REPORT SHALL BE SUBMITTED BY THE DIRECTOR OF PLANNING TO THE COUNTY COUNCIL BY JUNE 1 AND SHALL BECOME EFFECTIVE JULY 1.

2. GROWTH TRENDS -- THE ANNUAL GROWTH REPORT SHALL DESCRIBE THE GROWTH THAT HAS OCCURRED IN THE PRECEDING YEAR ~~INCLUDING, BUT NOT LIMITED TO THE FOLLOWING INFORMATION,~~ AGGREGATED BY THE APPROPRIATE FACILITY SERVICE AREA: YEAR. THE INFORMATION IN THE REPORT SHALL BE AGGREGATED BY THE APPROPRIATE FACILITY SERVICE AREAS, AND THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

- 1 A. NUMBER OF BUILDING PERMITS APPROVED FOR NEW DWELLING
2 UNITS, BY TYPE; ~~AND PERMITS FOR NON-RESIDENTIAL BY~~
3 ~~TYPE AND TOTAL FLOOR AREA;~~
- 4 B. THE NUMBER OF BUILDING PERMITS APPROVED FOR
5 NONRESIDENTIAL USES, BY TYPE AND TOTAL FLOOR
6 AREA;
- 7 ~~B.C.~~ ESTIMATED POPULATION, HOUSEHOLDS, AND EMPLOYMENT;
- 8 ~~C.D.~~ COMPARISONS WITH THE SAME INFORMATION FOR THE PREVIOUS
9 FIVE YEARS;
- 10 ~~D.E.~~ COMPARISON WITH TOTAL FOR THE SAME INFORMATION FOR THE
11 BALTIMORE REGION AND OTHER POLITICAL SUBDIVISIONS;
12 AND
- 13 ~~E. F.~~ POPULATION, HOUSEHOLD, AND EMPLOYMENT PROJECTIONS FOR
14 A FIVE AND TEN YEAR PERIOD-5- AND 10-YEAR PERIODS.
- 15 3. SPECIFIC FACILITY ANALYSIS -- THE ANNUAL REPORT SHALL
16 INCLUDE AN ANALYSIS OF THE CURRENT AND FUTURE UTILIZATION
17 AND CAPACITY OF SPECIFIC PUBLIC FACILITIES AND SERVICES,
18 ~~INCLUDING AT A MINIMUM, THE INFORMATION IN PARAGRAPH A.,~~
19 ~~BELOW:~~ SERVICES. THE ANALYSIS SHALL INCLUDE, BUT NEED NOT
20 BE LIMITED TO, THE FOLLOWING INFORMATION:
- 21 A. SCHOOLS
- 22 (1) FULL-TIME ENROLLMENT FOR EACH SCHOOL DISTRICT;
23 AS OF SEPTEMBER 30, OR AS OF ANY OTHER OFFICIAL
24 REPORTING ~~DATA~~ DATE AS SET BY THE STATE BOARD
25 OF EDUCATION.
- 26 (2) RATED CAPACITY AND UTILIZATION PERCENTAGE OF

1 EACH SCHOOL FACILITY; FACILITY, WITH CAPACITY
2 ~~SHALL BE~~ BASED ON A STANDARD OF 25 STUDENTS PER
3 CLASSROOM FOR REGULAR CLASSES AND 10 STUDENTS
4 PER CLASSROOM FOR SPECIAL EDUCATION CLASSES,
5 EXCLUSIVE OF RELOCATABLE OR PORTABLE
6 CLASSROOMS.

7 (3) ~~ONE, TWO AND THREE YEAR~~ ONE-YEAR, 2-YEAR, AND
8 3-YEAR ENROLLMENT PROJECTIONS FOR EACH
9 FACILITY, INCLUDING A DESCRIPTION OF THE METHOD
10 OF PROJECTING ENROLLMENT IN EACH FACILITY;

11 (4) PUPIL YIELD FACTOR BY SCHOOL LEVEL FOR EACH
12 TYPE OF DWELLING UNIT;

13 (5) LIST OF APPROVED CAPITAL PROJECTS FOR NEW OR
14 EXPANDED SCHOOL FACILITIES AND THE IDENTIFIED
15 SCHOOLS THAT WILL BE RELIEVED, INCLUDING
16 PROJECTED ENROLLMENT AND OPENING DATE; AND

17 (6) SCHOOL DISTRICTS MAP FOR EACH LEVEL OF SCHOOL
18 FACILITIES.

19 4. AMENDMENTS -- THE DIRECTOR OF PLANNING MAY AMEND THE ANNUAL
20 GROWTH REPORT TO CORRECT FACTUAL ERRORS OR TO INCLUDE
21 SIGNIFICANT CHANGES IN FACILITY CAPACITY. SUCH AMENDMENTS
22 SHALL BE PRESENTED TO THE COUNTY COUNCIL WITHIN ~~SEVEN (7)~~
23 ~~MONTHS~~ 210 CALENDAR DAYS OF THE EFFECTIVE DATE OF THE
24 REPORT.

25 B. ADEQUACY STANDARDS (MINIMUM ACCEPTABLE LEVEL OF SERVICE)

26 1. RESIDENTIAL DEVELOPMENT -- APPROVAL OF RESIDENTIAL

1 SUBDIVISION PLANS AND SITE PLANS FOR MULTI-FAMILY
2 DEVELOPMENT SHALL BE SUBJECT TO FINDINGS OF ADEQUATE
3 CAPACITY BASED ON THE STANDARDS SET IN ~~THE FOLLOWING~~
4 ~~SECTIONS~~ THIS SUBSECTION, AND THE CURRENT AND PROJECTED USE
5 LEVELS DESCRIBED IN THE ANNUAL GROWTH REPORT:

6 A. SCHOOLS

7 (1) PRELIMINARY APPROVAL -- PRELIMINARY SUBDIVISION
8 PLANS EXCEEDING FIVE (5) LOTS AND SITE PLANS FOR
9 MULTI-FAMILY RESIDENTIAL DEVELOPMENTS EXCEEDING
10 FIVE DWELLING UNITS SHALL NOT BE APPROVED AT
11 LOCATIONS WHERE EITHER OF THE FOLLOWING
12 CONDITIONS ~~EXIST:~~ EXISTS:

13 (A) THE ENROLLMENT AT THE ELEMENTARY SCHOOL
14 WHICH SERVES THE SITE IS GREATER THAN 120%
15 OF THE RATED CAPACITY, OR IS PROJECTED TO
16 BE GREATER THAN 120% WITHIN TWO YEARS, ~~OR,~~
17 YEARS; OR

18 (B) THE ENROLLMENT OF EITHER THE MIDDLE SCHOOL
19 OR HIGH SCHOOL WHICH SERVES THE SITE IS
20 GREATER THAN 120% OF THE RATED CAPACITY
21 OR IS PROJECTED TO BE GREATER THAN 120%
22 WITHIN THREE YEARS.

23 (2) ~~CONDITIONAL REVIEW -- APPLICATION FOR PRELIMINARY~~
24 ~~PLAN APPROVAL AND SITE PLAN APPROVAL IN AN AREA~~
25 ~~WHERE EITHER OF THE ABOVE CONDITIONS SET FORTH IN~~
26 ~~(1) (A) AND/OR (B) EXISTS SHALL BE REVIEWED BY THE~~

1 ~~DEPARTMENT OF PLANNING AND ZONING. CONDITIONAL~~
2 ~~REVIEW MAY PROCEED AND THE PROJECTS PLACED IF~~
3 ~~PARAGRAPHS 1A(1)(A) OR (B) OF THIS SUBSECTION~~
4 ~~PREVENT APPROVAL OF A PRELIMINARY SUBDIVISION~~
5 ~~PLAN OR A SITE PLAN, THE DEPARTMENT OF PLANNING~~
6 ~~AND ZONING MAY PROCEED WITH CONDITIONAL REVIEW~~
7 ~~OF THE PLAN AND PLACE IT ON A WAITING LIST~~
8 ~~ARRANGED BY DATE OF COMPLETION OF THE REVIEW.~~
9 ~~RECORD PLATS, GRADING PERMITS, AND PUBLIC WORKS~~
10 ~~AGREEMENTS FOR UTILITIES OR ROADS SHALL NOT BE~~
11 ~~EXECUTED BY THE COUNTY UNTIL THE PLAN FOR THE~~
12 ~~PROJECT IS REMOVED FROM THE WAITING LIST AND~~
13 ~~PRELIMINARY APPROVAL IS GRANTED. REMOVAL FROM~~
14 ~~THE WAITING LIST SHALL OCCUR WHEN NEITHER OF THE~~
15 ~~ABOVE CONDITIONS SET FORTH IN (1)(A) AND/OR (B)~~
16 ~~ONLY WHEN THE CONDITION THAT PREVENTED APPROVAL~~
17 ~~UNDER PARAGRAPHS 1A(1)(A) OR (B) OF THIS~~
18 ~~SUBSECTION NO LONGER EXISTS.~~

19 (3) EXEMPTIONS -- THE PROVISIONS OF THIS SECTION
20 SUBSECTION SHALL NOT APPLY TO TRANSIENT HOUSING
21 OR HOUSING FOR THE ELDERLY.

22 C. GRANDFATHERING -- THE PROVISIONS OF THIS SECTION SHALL NOT APPLY
23 TO THOSE DEVELOPMENTS WHICH, AS OF THE EFFECTIVE DATE OF THIS
24 LEGISLATION BILL NO. 91-70, HAVE AN APPROVED PRELIMINARY PLAN.

25 e. D. APPEAL -- NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED
26 IN THE ~~HARFORD COUNTY ZONING CODE, AS AMENDED,~~ THIS CHAPTER

1 OR IN THE HARFORD COUNTY SUBDIVISION RULES AND REGULATIONS,
2 AS AMENDED, IT IS HEREBY DETERMINED THAT NOTHING CONTAINED
3 IN THIS SECTION SHALL BE SUBJECT TO A VARIANCE, SPECIAL
4 EXCEPTION, OR AN APPEAL TO THE HEARING EXAMINER OR BOARD OF
5 APPEALS. AN AGGRIEVED PARTY MAY APPEAL TO THE DIRECTOR OF
6 ADMINISTRATION IN ACCORDANCE WITH ESTABLISHED PROCEDURES.

7 SECTION 2. AND BE IT FURTHER ENACTED THAT THIS ACT SHALL TAKE
8 EFFECT SIXTY (60) CALENDAR DAYS FROM THE DATE IT BECOMES LAW.

9 SECTION 3. AND BE IT FURTHER ENACTED THAT HARFORD COUNTY
10 ENCOURAGES THE INCORPORATED MUNICIPALITIES TO COOPERATE WITH THE
11 COUNTY IN MEETING THE OBJECTIVES OF THIS LEGISLATION THROUGH THE
12 ANNEXATION PROCESS.

EFFECTIVE: April 6, 1992

BY THE COUNCIL

BILL NO. 91-70 As Amended

Read the third time.

Passed: LSD 92-3 (January 21, 1992)

Failed of Passage: _____

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive for her approval this 22nd day of January, 1992 at 3:00 o'clock P.M.

Doris Poulsen, Secretary

BY THE EXECUTIVE

Eileen M. Dehrmann
COUNTY EXECUTIVE

APPROVED:

Date February 4, 1992

BY THE COUNCIL

This Bill, (No. 91-70 As Amended), having been approved by the County Executive and returned to the Council, becomes law on February 4, 1992.

Doris Poulsen, Secretary

EFFECTIVE DATE: April 6, 1992